REMARKS/ARGUMENTS

Claims 8 through 13 are pending in the application. Claims 1 through 7 are cancelled by the present Amendment.

Claims 8 through 13 are amended as follows:

- Claim 8 is re-written in independent form, and "ashitaba" is deleted.

- Claims 9 through 11 are amended to depend from Claim 8.

- causative substances of "p-cresol" and "p-methylacetophenone" for deterioration smell are incorporated into Claims 12 and 13, and further, "ashitaba" is deleted from Claims 12 and 13.

Claims 1 – 6 are rejected under 35 U.S.C. §112, second paragraph. Claims 1 – 6 are deleted by this Amendment, thereby mooting the §112 rejections thereto.

Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph rejections to Claims 1 – 6.

Claims 1, 2 and 7 are rejected under 35 U.S.C. §102(b) as anticipated by Park, et al., "Effects of Extract from *Angelica Keiskei* and its Component, Cynaroside, on the Hepatic

Bromobenzene-metabolizing Enzyme System in Rats," Phytotherapy Research, vol. 16, pp. S24-S27) (hereinafter, "Park, et al.").

Claims 1, 2 and 7 are cancelled by the present Amendment, thereby mooting the §102(b) rejections over Park, et al., thereto.

Applicants respectfully request reconsideration and withdrawal of the §102(b) rejections over Park, et al., to Claims 1, 2 and 7.

Claims 1 through 7 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,839,187 to Mai, et al. (hereinafter, "Mai, et al.").

Claims 1 through 7 are cancelled by the present Amendment, thereby mooting the §102(b) rejections over Mai, et al., thereto.

Applicants respectfully request reconsideration and withdrawal of the §102(b) rejections over Mai, et al., to Claims 1 through 7.

Claims 1 – 4, and 7 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,673,530 to Hara (hereinafter, "Hara").

Claims 1 – 4, and 7 are cancelled by the present Amendment, thereby mooting the §102(b) rejections over Hara thereto.

Applicants respectfully request reconsideration and withdrawal of the §102(b) rejections over Hara to Claims 1 – 4, and 7.

Claims 1 through 13 are rejected under 35 U.S.C. §103(a) over: (1) WO 98/58656 to Bank, et al. (hereinafter, "Bank, et al.") in view of Mai, et al.; and (2) Bank, et al., in view of Hara.

Claims 1 through 7 are cancelled by the present Amendment, mooting the §103(a) rejections over the cited references to Claims 1 through 7.

Claims 8 through 13 are not obvious over Bank, et al., in view of either Mai, et al., or in view of Hara, for the following reasons.

Bank, et al., discloses a schematic diagram showing the cyclization and oxidation reactions in the citral degradation pathway in Figure 1. And Bank, et al., points out that the oxidation products of p-cymen-8-ol (compound D), p-α-dimethylstyrene (compound E), p-methylacetophenone (compound F), and p-cresol (compound G) are believed to contribute to off-flavor development.

It is noted that there is a description at lines 12 – 21 on page 2 of Bank, et al., as follows:

> "Other researchers have investigated the effects of various antioxidants on citral degradation, and specifically the formation of oxidative degradation products (compounds D, E, F, and G). Kimura *et al.* report that none of the free-radical terminators (antioxidants) they tested (i.e., butylated hydroxytoluene (BHT), butylated hydroxyanisole (BHA), propyl gallate, *d,l*-a-tocopherol, nordihydroguaiaretic acid and n-tritriacontane-16,18-dione, isolated from the leaf wax of the Eucalyptus tree) inhibited the formation of these citral oxidative degradation products in an aqueous citral solution. (Kimura, K., *et al.*, *Journal of Agricultural and Food Chemistry*, 31:801-804 (1983); and Kimura, K., *et al.*, *Agricultural and Biological Chemistry*, 47:1661-1663 (1983).) Because these antioxidants failed to prevent formation of oxidative products, Kimura *et al.* concluded that citral degradation can proceed in the absence of oxygen."

The above description in Bank, et al., teaches that an antioxidant does not always inhibit the generation of deterioration smell of citral, thus it is not obvious to a person having ordinary skill in the art that the extract of rosemary in Bank, et al., is replaced with the black tea extract in Mai, et al., or the extract of tea leaves in Hara.

Moreover, in Mai, et al., there are the following descriptions (at col. 1, lines 33 – 39 and lines 44 – 47, respectively):

> "It is also reported in the literature that certain tea extracts have antioxidant properties, e.g., extracts of tea leaves, tea grounds, tea sweepings and tea wastes, but in all the tea extracts so far described, the antioxidant activity is generally very low and the application of each extract is limited to a restricted class of food materials."

> "We have found surprisingly, that in the aqueous extractions of black tea leaves at temperatures from 120°C to 210°C, certain extracts are formed which contain appreciable quantities of gallic acid. These extracts have an antioxidant activity comparable with or superior to synthetic antioxidant systems..."

The extract of semi-fermented tea leaves or fermented tea leaves in the amended Claim 8 of the present application is obtained by a normal extraction in refluxing condition (see Extraction Examples 32 and 33 in the specification of the present application), so it is different from the aqueous extractions at very high temperatures from 120°C to 210°C.

According to said descriptions in Mai, et al., the antioxidant activity of the extract in the present invention is very low.

It is not obvious to a person having ordinary skill in the art that the extract of rosemary in Bank, et al., is replaced with the tea extract. Further, Mai, et al., teaches that extract of semi-fermented tea leaves or fermented tea leaves of the present invention has very low antioxidant activity. In short, there is no suggestion in the cited references that tea leaves extract can be used instead of the rosemary extract.

Therefore, Applicants respectfully submit that the invention in the amended claims are not obvious to a person having ordinary skill in the art. Accordingly, amended Claims 8 – 13 are patentable over the cited references of Bank, et al., Mai, et al., and Hara.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the pending §103(a) rejections, and passage of Claims 8 – 13 to allowance.

Respectfully submitted,

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Date

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